In the High Court of Judicature at Madras

Dated:14.07.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice V. DHANAPALAN

Habeas Corpus Petition No.642 of 2006

P. Pugalenthi .. Petitioner

vs.

1. The State of Tamil Nadu
   rep. by its Secretary
   Home Department
   Fort St. George
   Chennai 600 009.

2. The Additional Director General
   of Prison, No.1 Gandhi Irvin Road
   Egmore, Chennai 600 008.

3. The Superintendent
   Central Prison
   Vellore. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein.

For petitioner : Mr. R. Sankarasubbu
for Mr. P.K. Ilavarasan

For respondents : Mr. M. Babu Muthu Meeran
Addl. Public Prosecutor

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ORDER

(Order of the Court was made by P. SATHASIVAM,J.)

The petitioner by name P. Pugalenthi, has filed this petition to issue a writ of habeas corpus to produce the body and person of one Murugan before this Court and direct respondents 1 to 3 to provide protection and safety to his life and also to provide him proper medical treatment.

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2. The petitioner is an Advocate practising before this Court and also in Subordinate Courts. He claims that he is a coordinator of Tamil Nadu Protection of Prisoners' rights Center. He further stated in the affidavit filed in support of the above petition that his client Murugan, who is a convicted prisoner, now confined in Central Prison, Vellore, has been fasting since 25.06.2006, for the purpose of seeing his daughter M. Arithra, who is presently residing in Sri Lanka as she is not able to meet her father Murugan, for want of Visa. Her mother Nalini is also undergoing life imprisonment at Vellore Women Prison. Since the said Murugan is still on fasting, his health is deteriorating and he is about to collapse and hence, the petitioner has filed this petition invoking the jurisdiction under Article 226 of the Constitution of India.

3. When the above petition came up for admission on 11.07.2006, we directed the learned Additional Public Prosecutor to get specific instructions with regard to the grievance expressed by the petitioner.

4. Today, the learned Additional Public Prosecutor has brought to our notice an order passed by the Government in G.O.(D) No.697 Home (Prison-V) Department dated 12.07.2006, which shows that by letter dated 11.07.2006, the Additional Director General of Prisons directed the Superintendent of Central Prison, Vellore to admit the Condemned Prisoner No.12840 Sriharan @ Murugan, lodged in Central Prison, Vellore and the life convict prisoner No.810 Nalini W/o. Sriharan @ Murugan lodged in Special Prison for Women, Vellore in the Intensive Medical Care Unit of the Government Vellore Medical College Hospital, Vellore for treatment. The learned Additional Public Prosecutor also informed that pursuant to the said Government Order, both of them are taking treatment in the Intensive Medical Care Unit of the Government Vellore Medical College Hospital, Vellore.

5. Apart from the above mentioned Government Order, the learned Additional Public Prosecutor has also brought to our notice the report of the Additional Director General of Prisons, Chennai dated 13.07.2006, wherein it is stated that the prisoner Murugan submitted a petition dated 22.06.2006 to His Excellency the President of India, seeking a Student Visa to his daughter Megra, who is in Sri Lanka and the same was forwarded to the State Government for onward transmission to Government of India and the Principal Secretary to Government, Home Department, Chennai has forwarded the petition to the Secretary to the President of India, New Delhi, vide Government letter No.59677/Pri.III/ 2006-1, Home Department dated 29.06.2006. The report further shows that in the meanwhile the said Murugan started a hunger strike from 25.06.2006 demanding the issue of Visa to his daughter Megara. Though he was requested to withdraw the hunger strike in prison, he was adamant and refused to take food.

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In the light of the above said Government Order and the information furnished by the learned Additional Public Prosecutor as well as considering the limited relief prayed for in this petition, we are of the view that no further adjudication is required in this petition; hence, the same is closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Secretary
   State of Tamil Nadu
   Home Department
   Fort St. George
   Chennai 600 009.

2. The Additional Director General
   of Prison, No.1 Gandhi Irvin Road
   Egmore, Chennai 600 008.

3. The Superintendent
   Central Prison
   Vellore.

4. The Public Prosecutor
   High Court, Madras.

+1cc to Mr.P.K.Ilavarasan, Advocate Sr 30651

TEJ (CO)
km/26.7.

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